

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TREMAINE D. OLIVER,

Petitioner,

v.

BARNES B. GOWER, Warden,

Respondent.

Case No. 15-03556 BLF (PR)

**ORDER DENYING MOTION FOR  
CERTIFICATE OF  
APPEALABILITY**

(Docket No. 27)

Petitioner, a state prisoner proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 24, 2017, the Court denied the petition on the merits. (Docket No. 25.) In the same order, the Court denied a Certificate of Appealability because Petitioner had not made “a substantial showing of the denial of a constitutional right” under 28 U.S.C. § 2253(c)(2), or demonstrated that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” (Docket No. 25 at 41, citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).) The Court also advised Petitioner that although he may not appeal the denial of a Certificate of Appealability in this Court, he may seek a certificate from the Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure. (*Id.*, citing Rule 11(a) of the Rules Governing Section 2254 Cases.)

1 On May 2, 2018, over a year since judgment was entered, Petitioner filed a motion  
2 for certificate of appealability. (Docket No. 27.) As discussed above, the Court already  
3 denied the certificate of appealability in its order denying the petition on the merits. For  
4 the same reasons, Petitioner's recent motion is DENIED.

5 In the interest of justice, the Clerk of the Court shall forward a copy of Petitioner's  
6 motion to the Ninth Circuit Court of Appeals.

7 **IT IS SO ORDERED.**

8 Dated: May 16, 2018

  
BETH LABSON FREEMAN  
United States District Judge